



## Cambodia

### Country Reports on Human Rights Practices - [2003](#)

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Cambodia is a constitutional monarchy with an elected government. King Norodom Sihanouk is the constitutional monarch and head of state. Elections for Members of the National Assembly were held on July 27. The Cambodian People's Party (CPP) won 73 seats in the National Assembly, while the royalist National United Front for a Neutral, Peaceful, Cooperative, and Independent Cambodia (FUNCINPEC) party won 26 seats and the Sam Rainsy Party (SRP) won 24 seats. The CPP and FUNCINPEC formed a nominal coalition government, but the CPP dominates the Government. No party won the two-thirds majority required to form a government. The parties that won National Assembly seats in the election engaged in negotiations to form a new coalition Government, but the parties did not conclude negotiations by year's end. The two parties that won a minority of seats formed an "Alliance of Democrats" in an attempt to win concessions from the majority Cambodian People's Party. The former Government continued to operate in a caretaker status pending the formation of a new government. The Khmer Rouge is no longer a serious internal threat to security, and the Government has good relations with its neighbors, despite strains over residual border disputes and historic antagonisms. Although the law provides for an independent judiciary, in practice the judiciary was frequently subject to legislative and executive influence and suffered from corruption.

The National Police, an agency of the MOI, has primary responsibility for internal security. In 2001, the National Assembly restricted the authority of military police, permitting them to arrest civilians only when authorized to do so by local governments. While civilian authorities nominally maintained control of the security forces, in practice security forces answered to persons within the CPP leadership. Some members of the security forces committed serious human rights abuses.

The country has a free market economy. Approximately 80 percent of the population of 13 million engaged in subsistence farming. According to official figures, annual per capita gross domestic income in 2002 was \$257; however, this figure did not accurately represent purchasing power, especially in urban areas. Foreign aid was an important component of the country's finances, accounting for at least 50 percent of the Government's budget. In 2002, the economy grew at an estimated real rate of 4.5 percent, and it was expected to grow at 4.8 percent during the year. The country had a thriving garment export industry; however, it has difficulty attracting foreign investment, principally due to corruption and the lack of a viable legal system.

The Government's human rights record remained poor; although there were some improvements in a few areas, serious problems remained. During the National Assembly elections in July, politically motivated violence, including killings, was significantly lower than in previous elections; however, voter intimidation by local officials in addition to technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. Military and police personnel were responsible for both political and nonpolitical killings; however, there was no credible evidence that suggests these killings were officially sanctioned. There were credible reports that some members of the security forces tortured, beat, and otherwise abused persons in custody, often to extract confessions. National and local government officials often lacked the political will and financial resources to act effectively against members of the security forces suspected of human rights abuses. There also were politically motivated killings committed by persons not in the security forces. Democratic institutions, especially the judiciary, remained weak. Politically related crimes rarely were prosecuted. Citizens often appeared without defense counsel and thereby effectively were denied the right to a fair trial. Prison conditions remained harsh, and the Government continued to use arbitrary arrest and prolonged pretrial detention. The Government largely controlled the content of television broadcasts and influenced the content of most radio broadcasts. The authorities regularly interfered with freedom of assembly. Societal discrimination against women remained a problem while domestic violence against women and abuse of children were common. There were frequent land disputes, and the Government and courts did not consistently resolve them in a just manner. Although the number of trade unions grew and became more active, anti-union activity also continued. Bonded and forced child labor continued to be a problem in the informal sector of the economy. Domestic and cross-border trafficking in women and children, including for the purpose of prostitution, was a serious problem.

#### RESPECT FOR HUMAN RIGHTS

##### Section 1 Respect for the Integrity of the Person, Including Freedom From:

## a. Arbitrary or Unlawful Deprivation of Life

Allegations of politically motivated killings continued before and after the July National Assembly elections. Nongovernmental organizations (NGOs) estimated that there were 33 potentially politically motivated killings; however, it was often difficult to determine whether the motive for these murders was political. For example, on February 6, the Abbot of the Phnom Ettarus Pagoda Sam Bunthoeun was killed. He had actively encouraged monks to register for the National Assembly elections after a pro-CPP Buddhist patriarch had forbidden monks to register to vote. On February 18, two armed men shot Om Radsady, advisor on foreign affairs to National Assembly President Prince Norodom Ranariddh. Although the killing was widely believed to be politically motivated, police subsequently arrested two Royal Cambodia Armed Forces soldiers who confessed they had shot at Om Radsady because they wanted to steal his cell phone. In October, a municipal court sentenced the two soldiers to 20 years in prison. Despite the sentence, the Cambodian Center for Human Rights (CCHR) and other local NGOs doubted the two convicted were the real killers. On August 6, the 16-year-old daughter of an SRP activist was shot and killed by a pro-CPP village chief. The police arrested the village chief, but court officials ordered the victim's family to accept a monetary payment and a suspended 2-year sentence. The SRP activist subsequently filed a lawsuit with the Appeals Court and moved his family to another location to avoid any reprisal for filing the suit. The case was pending at year's end. On October 18, Chuor Chetharith, reporter for pro-FUNCINPEC Taprohm Radio and FUNCINPEC-affiliated Ministry of Interior (MOI) official, was shot and killed by one of a pair of gunmen in front of the Taprohm radio station. No suspects were arrested by year's end. Taprohm Radio has been critical of the Government, and the killing occurred 4 days after Prime Minister Hun Sen publicly warned FUNCINPEC that leaders of political parties should control their broadcast media. The Alliance of Democrats (FUNCINPEC and SRP parties) claimed this murder was a political killing (see Section 2.a.).

In 2002, the country held its first local elections. The U.N. High Commissioner for Human Rights (UNHCHR) reported that prior to the elections, 22 political activists (5 in 2000, 12 in 2001, and 5 in 2002), including candidates and family members, were killed in 20 separate incidents under suspicious circumstances. Human rights monitoring groups agreed that at least seven of these cases were politically motivated. UNHCHR reported that there were serious shortcomings in the police investigations of these killings.

During the year, NGOs reported that members of the military, military police, and civilian police forces were implicated in 25 cases of extrajudicial killings. In addition, anti-riot police shot a union striker during a dispute in June; a policeman was killed in the same incident (see Section 6.b.). During the year, there were continued allegations of beatings of prisoners in police custody. In 2002, three police officers were charged with voluntary manslaughter for the 2001 beating to death of a prisoner in Prey Veng Province. The three officers were suspended from their jobs and the MOI authorized the provincial court to charge them with torture; however, the suspects had not been prosecuted at year's end.

The number of landmine casualties has not declined since 2000, despite actions taken by the Government and international organizations. Between January and June, there were 429 landmine casualties. There were 841 landmine casualties in 2002 and 813 in 2001.

During the year, there were several high-profile killings by unknown actors. For example, on April 22, Judge Sok Sethamony of the Phnom Penh Municipal Court was shot and killed in his car on his way to work. Perpetrators on a motorbike fired five shots at the judge while he was stopped at a traffic light. Judge Sethamony had presided over the 2002 trials of the Cambodian Freedom Fighters (CFF) and was scheduled to preside over the trial of those accused of participating in the January anti-Thai riots (see Section 2.b.). There was much speculation on the motive for his assassination. Military police subsequently arrested three suspects who police claimed had links to the CFF. The suspects were in prison awaiting trial at year's end.

On October 27, the Appeals Court held a new trial of Chhouk Rin, a former Khmer Rouge commander, for his role in a 1994 train ambush that resulted in the deaths of 3 foreigners and at least 13 citizens. In the November 5 verdict, the Appeals Court upheld the previous Appeals Court conviction in September 2002, which had reversed a Phnom Penh Municipal Court acquittal in 2000, and sentenced him to life imprisonment. Chhouk Rin's lawyer filed an appeal to the Supreme Court. Since Chhouk Rin was originally acquitted by the Phnom Penh Municipal Court, the law stipulates that Chhouk Rin may not be incarcerated until the Supreme Court has found Chhouk Rin guilty and the Appeals Court has confirmed the Supreme Court's ruling in an additional final ruling.

There were no developments in the appeals of the 2002 convictions of numerous CFF members at year's end.

Vigilante justice, as well as killings of alleged witches and sorcerers, continued during the year. In 2002, the UNHCHR issued a report that documented 65 cases of mob assaults and killings from mid-1999 through May 2002. Local NGOs reported that mobs conducting vigilante justice killed at least eight people between February and December. Government prosecutions of those responsible for mob violence were rare. During the year, there were eight reports of persons being killed because they had allegedly used magic power to cast bad fortune on others. In some of these cases, political killings may have been explained away as revenge killings for sorcery. On June 30, an unknown assailant shot a pro-CPP activist. Police reported that it was likely that he was killed for allegedly practicing sorcery. On July 22, three pro-CPP siblings killed three FUNCINPEC activists. The suspects admitted their guilt and stated that they killed the three FUNCINPEC activists not for political reasons but because the activists had cast a spell on their mother.

## b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits torture and physical abuse of prisoners; however, torture, beatings, and other forms of physical mistreatment of persons held in police or military custody continued to be a serious problem throughout the country. During the year, there were 17 credible reports of military police and police officials using physical and psychological torture and severely beating criminal detainees, particularly during interrogation. During the year, a local NGO reported that in interviews with prisoners in 18 prisons, 139 prisoners claimed to have been tortured, 83 percent of this group while in police custody and 17 percent while in prison. In 2002, NGOs reported that 8 percent of 4,567 inmates claimed they had been tortured. Members of the police and security force who carried out torture and abuse often were protected from prosecution or disciplinary action by local government authorities, despite some central Government efforts to curtail or eliminate violations of prisoners' rights and to address problems of accountability. In 2002, three police officers were charged with voluntary manslaughter for the 2001 beating to death of a prisoner in Prey Veng Province. The three officers were suspended from their jobs and the MOI authorized the provincial court to charge them with torture; however, the suspects had not been prosecuted at year's end.

The MOI's Prisons Department is responsible for both pretrial detainees and convicted prisoners held inside prisons. During the year, prison conditions remained harsh, and government efforts to improve them and to implement new regulations were hampered by lack of funds and weak enforcement. Human rights organizations cited a number of serious problems, including overcrowding, health problems, food and water shortages, malnutrition, and poor security. During the year, a local NGO, which monitored 17 of the country's 25 prisons, noted that the population of those prisons had increased and that all 17 prisons were overcrowded. In August, the Kompong Thom prison, with a capacity to hold 40 prisoners, had 116 prisoners. In most prisons, there was no separation of adult prisoners and juveniles, of male and female prisoners, or of persons convicted of serious crimes and persons detained for minor offenses. In some prisons, after escape attempts, use of shackles and the practice of holding prisoners in small, dark cells continued. Government ration allowances for purchasing prisoners' food routinely were misappropriated and remained inadequate, which exacerbated malnutrition. Regulations permitted families to provide prisoners with food and other necessities, and prisoners depended on such outside assistance; however, families often were compelled to bribe prison officials in order to be allowed to provide assistance.

The Government continued to allow international and domestic human rights groups to visit prisons and prisoners and to provide human rights training to prison guards. However, NGOs reported that on occasion cooperation from local authorities was limited. The MOI continued to require lawyers, human rights monitors, and other visitors to obtain letters of permission from the Ministry prior to visiting prisoners. The Ministry withheld such permission in some cases. NGOs were not allowed to interview prisoners privately without prison official supervision.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention; however, the Government generally did not respect these prohibitions. During the year, a number of persons were arrested without warrants, and human rights' groups reported 49 cases of persons illegally detained by police.

The law allows the police to take an individual into custody and conduct an investigation for 48 hours before charges must be filed against the individual. Accused persons are legally entitled to a lawyer; however, prisoners routinely were held for several days before gaining access to a lawyer or family members. Authorities often held suspects for extended periods before charging them, trying them, or releasing them. The investigating judge has the responsibility to gather evidence to support the police charges before determining whether to try a case. One NGO reported that during the year there were 124 complaints of pretrial detention that lasted longer than the prescribed 6 months. Many prisoners, particularly those without legal representation, often had no opportunity to seek release on bail. According to the UNHCHR, such prolonged detention largely was a result of a growing prison population and the limited capacity of the court system.

A 2002 sub-decree established the General Commissariat of the National Police, which replaced the former General Secretariat of the National Police. The General Commissariat is under the supervision of the MOI and takes responsibility for managing all civilian police units. The police forces are divided into those who have the authority to make arrests, those who do not, and the judicial police. During the year, there were reports of police receiving protection money from illegal businesses and suspects being released due to police corruption. These problems facilitated a climate of impunity for some criminals.

During 2001, the Government initiated a crackdown on the CFF and arrested over 100 suspects, including dozens without arrest warrants. The Government held some suspects incommunicado and denied them appropriate access to lawyers. Subsequently, many were tried and convicted on the basis of flimsy evidence such as the appearance of their name on a CFF membership list.

The Constitution prohibits forced exile, and in practice, the Government did not employ it. In August 2002, one FUNCINPEC member resigned his seat in Parliament and claimed to be in self-imposed exile after certain government officials threatened to arrest him for his involvement in an association advocating the creation, by force if necessary, of an autonomous ethnic Khmer State in Vietnam.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the Government did not respect this provision in practice. The courts were subject to influence and interference by the executive branch, and there was widespread corruption among judges.

The court system consists of lower courts, an appeals court, and a Supreme Court. The Constitution also mandates a Constitutional Council, which is empowered to review the constitutionality of laws; and a Supreme Council of the Magistracy, which appoints, oversees, and disciplines judges. The composition of both of these bodies was heavily biased in favor of the CPP.

Trials are public. Defendants have the right to be present and consult with an attorney, confront and question witnesses against them, and present witnesses and evidence on their own behalf; however, trials typically were perfunctory, and extensive cross-examination usually did not take place.

A lack of resources, low salaries, and poor training contributed to a high level of corruption and inefficiency in the judicial branch, and in practice, the Government did not ensure due process. Judges and prosecutors often had little legal training. UNHCHR has on a number of occasions printed and provided copies of all of the country's laws to all judges. During the year, the Royal School for Judges and Prosecutors reopened and accepted its first class of students since the 1960s. Since 1998, the introduction of newly trained lawyers, many of whom received supplemental training from NGOs, resulted in significant improvements for those defendants provided with counsel, including a reduced pretrial detention period and improved access to bail; however, there remained a critical shortage of trained lawyers in all parts of the country. Persons without the means to secure defense counsel often effectively were denied the right to a fair trial.

Sworn, written statements from witnesses and the accused usually constituted the only evidence presented at trials. Statements by the accused sometimes were coerced through beatings or threats from investigation officials, and illiterate defendants often were not informed of the content of written confessions that they were forced to sign. In cases involving military personnel, military officers often exerted pressure on judges to have the defendants released without trial.

Defendants are entitled by law to the presumption of innocence and to the right of appeal; however, because of pervasive corruption, defendants often were expected to bribe the judge for a favorable verdict. Citizens' rights to appeal sometimes were limited by the lack of transportation and other logistical difficulties in transferring prisoners from provincial prisons to the appeals court in Phnom Penh. Many appeals thus were heard in the absence of the defendant.

Court delays or corrupt practices often allowed those accused of crimes to escape prosecution, leading to impunity for some government officials or members of their families who committed crimes. Although the courts prosecuted some members of the security forces for human rights abuses, impunity for most of those who committed human rights abuses remained a problem. With few exceptions, national and local government officials continued to lack the political will and financial resources to act effectively against military or security officials suspected of human rights abuses.

The Judicial Reform Council made no significant progress in fulfilling its mandate to develop and implement judicial reform measures. In 2002, the Government established a second legal and judicial reform council amid criticisms that the Judicial Reform Council's co-chairs, a Cabinet Minister and the Supreme Court President, lacked sufficient independence. In May, the Council for Legal and Judicial Reforms produced a draft Justice Sector Program and held workshops with civil society, donors, and other interested parties. The Council planned to cooperate with donors to implement the Justice Sector Program. The Supreme Council of the Magistracy did not discipline judicial officials for misconduct during the year. In 2002, some judges were suspended temporarily for alleged improper behavior, but after a perfunctory investigation, were sent back to their jobs and some were promoted. Legal observers charged that the Supreme Council of the Magistracy was subject to political influence and did not protect effectively the independence of the judiciary.

A 2002 sub-decree passed by the Council of Ministers was implemented in January, raising court official's salary from \$20 per month to between \$330 and \$640 per month in an attempt to reduce instances of misconduct and corruption.

Human rights groups continued to report that the Government demonstrated its control of the courts by ordering the rearrest of suspects released by the courts or through extrajudicial processes. In 2002, the Prime Minister allegedly ordered a government official with key responsibilities in ongoing judicial reform efforts to drop inappropriate criminal charges against his former foreign business partner in a civil dispute involving allegations of breach of contract.

Lawyers also noted that since 2001 some police and prison officials, with apparent support from government officials, have denied them the right to meet prisoners in private or for adequate lengths of time, in violation of the law. After the January 29 anti-Thai riots, family members and human rights groups noted that they did not have access to the 57 individuals detained by the Government while the investigation was underway. On May 19, opposition leader, Sam Rainsy, was denied access to a jailed party activist by prison authorities who insisted on receiving MOI authorization for the visit, even though Rainsy had authorization from municipal court officials. In 2001, an executive decree appointed a single individual as the country's sole notary public and, by extension, legal arbiter of everything from documents to land disputes.

There is a separate military court system. The military court system suffered from deficiencies similar to those of the civilian court system. Moreover, the legal distinction between the military and civil courts sometimes was ignored in practice. In 2002, several civilians arrested for crimes that appeared to have no connection with military offenses were detained for trial by the

military court; however, it handed the civilians over to a civil court.

In 2001, a law was promulgated to establish Extraordinary Chambers to bring Khmer Rouge leaders to justice for genocide, crimes against humanity, and war crimes committed from 1975 through 1979. The Government had sought assistance and cooperation from the U.N. since 1997, as well as financial assistance from foreign donors, to make the tribunal operational. On May 13, the U.N. General Assembly passed a resolution approving a draft agreement between the U.N. and the Government for prosecution of crimes during the Democratic Kampuchea period.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the privacy of residences and correspondence and prohibits illegal searches; however, the police routinely conducted searches and seizures without warrants. There were no reports that the Government monitored private electronic communications.

Since the forced collectivization during Khmer Rouge rule and the return of thousands of refugees, land ownership often has been unclear, and most landowners lacked adequate formal documentation of ownership. Following the end of the Khmer Rouge insurgency, a rush to gain possession of lands near potentially lucrative cross-border trade routes exacerbated the ownership problem. In 2002, the Ministry of Land Management, Urban Planning, and Construction established a Cadastral Commission, which has responsibility for settling disputes over land that has not been registered nor given a land certificate. The Commission performed its functions slowly due to a lack of finances, training, and experience. The courts under the Ministry of Justice remained responsible for resolving disputes in cases where land had been registered or disputants had been given land titles.

In 2001, the Government passed a land law which protects land ownership and deeds of farmers, but the law has not yet been implemented because the Ministry of Land Management, Urban Planning, and Construction has not issued the necessary implementing regulations. Problems of inhabitants being forced to relocate to other land sometimes occurred when powerful officials or businessmen colluded with local authorities to remove the inhabitants from the land. The NGO Legal Aid of Cambodia reported that between October 2002 and June 30, there were 87 individual and collective land disputes of this nature. Some of those expelled successfully contested these actions in court but the majority lost their cases, possibly due to corruption in the court system. At year's end, a number of appeals were pending in the Appeals Court or Supreme Court. One case pending was filed by 517 families against the Deputy Governor of Kampong Cham Province who expelled them from approximately 12,000 acres of farmland. In Banteay Meanchey Province, 46 families filed suit against a military commander over approximately 270 acres of land, and in Kampong Chhnang Province, 59 families sued the District Governor over approximately 200 acres of land.

On July 31, the Appeals Court overruled a March 2002 Ratanakiri provincial court ruling in favor of a general who claimed to hold the titles to approximately 3,000 acres of land that members of the ethnic hill tribes claimed belonged to them. NGOs reported that the Appeals Court made the decision following an intervention by the Government upon the King's request, in which the Government purchased the land from the general to award it to the hill tribes.

Between January 1999 and September 2002, Phnom Penh Municipality conducted 19 community development relocations that affected 8,091 families, and persons affected included those living near the railroad station; along public roads, riverbanks, and drainage systems; and on public property. During the year, there were no additional relocations.

### Section 2 Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected these rights in practice; however, there continued to be some problems. The Constitution implicitly limits free speech by requiring that it does not affect adversely public security. The Constitution also declares that the King is "inviolable."

The Press Law provides journalists with a number of rights, including a prohibition on prepublication censorship and protection from imprisonment for expressing opinions. However, the Press Law also includes a vaguely worded prohibition on publishing articles that affect national security and political stability. The press published a large number of news items critical of the Government, which included frequent, highly personal criticism of the Prime Minister, the President of the National Assembly, and other senior officials.

Although limited in circulation, newspapers provided a primary source of news and expression of political opinion. All major political parties had reasonable and regular access to the print media. In general, newspapers were aligned politically. Although the press law does not specifically permit newspapers to receive financial support from political parties, some did receive such support from officials of the CPP, FUNCINPEC, and SRP. There were an estimated 20 Khmer language newspapers published regularly, a slight increase from 2002. Of these, 13 were considered to be pro-government, 2 were considered to support the

opposition SRP, and 5 were considered to support the FUNCINPEC Party. In addition, there was one French-language daily, one English-language daily, and two other English newspapers published regularly. In August, the Ministry of Information allowed the first Vietnamese-language newspaper to begin operations. Although the three largest circulation newspapers were considered pro-government, most newspapers criticized the Government frequently, particularly with respect to corruption. Prime Minister Hun Sen and National Assembly President Prince Norodom Ranariddh frequently came under strong attack by opposition newspapers.

The Government, the military forces, and the ruling political party continued to dominate the broadcast media and to influence the content of broadcasts. According to a 2001 report by the UNHCHR, the procedures for licensing and allocation of radio and television frequencies to the media were not impartial. The SRP has consistently been unable to obtain a broadcast license. During 2001, it briefly broadcast radio programs from a site in a neighboring country, but subsequently suspended broadcasts for technical reasons.

There were seven television stations, all controlled or strongly influenced by the CPP. Government control severely limited the content of television and radio broadcasting. At the initiative of the President of the National Assembly, the Ministry of Information-controlled national television and radio stations broadcast taped sessions of the National Assembly's debates; however, in several instances, these broadcasts were censored. National radio and television stations regularly broadcast some human rights, social action, public health, and civil society programming produced by domestic NGOs.

There were reports of harassment of persons working for the print and broadcast media. Shortly after the January 29 anti-Thai riots, both the owner of independent radio station Beehive/FM 105, and the editor-in-chief of the Khmer Newspaper Rasmei Angkor were arrested and charged with broadcasting and printing false information (see Section 2.b.). They were released on bail after being detained 2 weeks, and the legal period for investigation ended without their being charged in the courts. In March, a circulation manager of a local Khmer newspaper Cheat (Nation) was briefly detained and assaulted in the office of the Notary Public before being handed over to police on charges of defamation and extortion. The police detained him briefly, but there was no court investigation or trial. Also in March, the editors of three local newspapers Referendum News, New Light, and Peaceful Country, were released from the provincial jail of Banteay Meanchey after the court dropped extortion charges. The three had been arrested in February on charges of extorting \$2,000 from a provincial official. Prior to the elections in July, at least three local newspapers supporting FUNCINPEC reported receiving telephone threats for printing articles that were critical of CPP and government officials. On October 18, Chuor Chetharith, reporter for pro-FUNCINPEC Taprohms Radio and former FUNCINPEC aide, was killed by one of a pair of gunmen in front of the Taprohms radio station. No suspects were arrested in this case by year's end (see Section 1.a.).

In addition, there were several high profile cases of government interference with freedom of the media during the year. In February, shortly after the anti-Thai riots, the Ministry of Information ordered all local television stations to remove all Thai product advertisements, television programs, and films. The ban was lifted in March. Also in February, the Ministry of Information refused to grant the CCHR a license to operate a radio station--claiming that Phnom Penh was already too saturated with radio broadcasts and newspapers. In July, the Ministry of Information ordered two FUNCINPEC radio stations in Phnom Penh and Battambang to cease broadcasting; however, they did not and were still in operation at year's end. The Government had claimed the broadcasting frequency of the FUNCINPEC radio in Battambang affected other radio station broadcasts in the province. The Ministry of Information also requested the National Election Committee to stop Taprohms from broadcasting, stating that the station was reporting stories that attacked the Government and ruling party. Srey Nich, a popular singer who recorded a collection of songs with political content for FUNCINPEC to be played on Taprohms and Beehive Radio, was shot three times by unidentified gunmen. Srey Nich survived the shooting but was paralyzed; her mother was killed in the incident. This attack was viewed by some as political, while others have alleged personal motives, and no suspects were apprehended at year's end.

Although there is no clear prohibition against the broadcast of foreign-sourced programs on local television and radio channels, in 2002, the Ministry of Information ordered the independent radio station Beehive to remove Voice of America/Radio Free Asia (VOA/RFA) programming from the station. The Ministry claimed the station manager had failed to ask for permission from the Ministry before commencing broadcasts. The exchange between Beehive and the Ministry on whether Beehive could resume broadcasts, including periods of resumed broadcasts and cancelled broadcasts, continued throughout the year. Despite the Ministry's order, Beehive continued broadcasting VOA/RFA programming at year's end.

Several newspapers were charged with libel, not respecting the "inviolability" of the King, and not complying with the National Election Law. In May, the Minister of Information issued a directive reminding all radio and television outlets to stop criticizing each other. The directive came after comments were made in the state press agency attacking officials and leadership of the FUNCINPEC and SRP. In August, the Ministry of Information suspended the opposition newspaper Voice of Khmer Youth from publication for 30 days following an article allegedly criticizing the Royal family; however, the newspaper was allowed to resume publication after only a few days of suspension because the editor wrote a letter of apology to the King.

The media reportedly engaged in some self-censorship during the year. In June, at least six private radio and television stations refused to sell airtime to political parties campaigning for the July 27 elections, a move that critics viewed as a CPP crackdown on opposition parties. Political parties did not have media access to private newspapers or television and radio stations. The National TV of Cambodia was the sole television station to broadcast news of the general elections; however, five private radio stations did sell airtime to political parties to broadcast their political campaigning. Although still inadequate, political parties and candidates' access to the media was greater in these elections than previous elections.

The Government increased restrictions on media access to Government facilities during the year. In April, the National Assembly issued a directive banning journalists from entering its grounds without authorization from the FUNCINPEC Assembly Secretary General. This "security" directive was issued a few hours after the public defection of three FUNCINPEC parliamentarians and four other royalist figures to the opposition SRP. It also followed Phnom Penh governor Kep Chuktema's closure of the traditionally public weekly municipal meetings.

Government authorities removed publications from the public purview during the year. In February, local authorities removed copies of a controversial booklet on the life and death of the famous actress, Piseth Pilika, titled "A True and Horrible Story," which insinuated that Prime Minister Hun Sen's wife had played a role in the actress' death, from all public bookstores and newsstands; however, the booklets were sold at the SRP's headquarters and published at the printing house without government interference. There were no significant developments in the 2001 case in which the Government threatened to ban and confiscate the book "Light of Justice" published by the SRP.

The Government did not restrict Internet access, which was available widely in larger towns.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of peaceful assembly, but the Government did not respect this right in practice. The Government requires that a permit be obtained in advance of a march or demonstration. The Government routinely failed to issue permits to groups critical of the ruling party. Throughout the year, the Government cited the January 29 anti-Thai riots and public security as the reason for denying permits to assemble, and groups that assembled without a permit were dispersed forcibly by police. Most of these dispersals resulted in minor injuries to some demonstrators, and a June 23 union strike led to the deaths of one policeman and one union worker. In 2002, police dispersed a crowd of approximately 150 villagers who demanded information about proposed forestry concession management plans. One protester later died of a heart attack, but no link between the incident and his death was established; however, human rights groups alleged that electric-shock batons used in the rain to stop the demonstration may have contributed to his death. The Government failed to protect peaceful demonstrators from violence. Demonstrations critical of the Government often faced violent counter-demonstrations by the pro-CPP Pagoda Boys Association and received no Government or police protection.

On January 29, anti-Thai protests in front of the Royal Thai Embassy turned violent, resulting in extensive damage to the Embassy and Thai-owned businesses. After the riots, police conducted protest suppression exercises in the suburbs of Phnom Penh. The Commissioner General of the National Police stressed on several occasions the preparedness of police forces to suppress any violent demonstrations aimed at protesting the results of the National Assembly elections; however, during the campaign period itself, supporters of both the ruling and opposition parties took part in rallies and street parades throughout the country. Campaign activities took place in most provinces of Cambodia without serious violence. On August 7, the National Election Committee's (NEC) Trial Council imposed fines of \$1,250 on each of two pro-CPP village chiefs found guilty of breaching NEC rules during the electoral campaign. One village chief had tried to ram and sink FUNCINPEC campaign boats on the Tonle Sap River, and the other village chief had physically assaulted FUNCINPEC members.

The Constitution provides for freedom of association, and the Government generally respected this right in practice; however, the Government did not enforce effectively the freedom of association provisions of the Labor Law (see Section 6.a.).

The Government did not coerce or forbid membership in political organizations. Political parties normally were able to conduct their activities freely and without government interference; however, there were several documented cases of harassment of FUNCINPEC and SRP activists and candidates in connection with preparations for the July National Assembly elections. Human rights organizations reported that some local authorities warned members of certain political parties that if they continued to support those parties they would face a loss of residency rights, confiscation of property, and a ban on using local infrastructure.

Membership in the Khmer Rouge, which previously conducted an armed insurgency against the Government, is illegal, as is membership in any armed group.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice. The Constitution also prohibits discrimination based on religion, and minority religions experienced little or no official discrimination. Buddhism is the state religion, and over 95 percent of the population is Buddhist. Most of the remaining population is made up of ethnic Cham Muslims, who were well integrated into society.

The law requires all religious groups to submit applications to the Ministry of Cults and Religious Affairs in order to construct places of worship and to conduct religious activities. Religious groups did not encounter significant difficulties in obtaining approvals for construction of places of worship, but some Muslim and Christian groups reported delays by some local officials in acknowledging that official permission had been granted to conduct religious meetings in homes. Such religious meetings took place unimpeded despite delay or inaction at the local level, and no significant constraints on religious assembly were reported.



In January, the Ministry of Cults and Religions issued a disciplinary order prohibiting public proselytizing; however, there were no reports of enforcement of this order.

There were no major religious conflicts during the year; however, there were two minor incidents. On July 13, a mob of angry villagers severely damaged a local Christian church, blaming the construction of the church several years earlier for the area's drought. Police authorities went to the area to prevent another attack on the church. In August, a tribal group in Ratanakiri Province demanded that a Christian group stop conducting conversion activities in their villages.

In 2002, former Vietnamese Buddhist Monk Thich Tri Luc, a member of the banned Unified Buddhist Church of Vietnam, was abducted by unidentified individuals from Phnom Penh, where he had obtained refugee status from the United Nations High Commissioner for Refugees (UNHCR). In August, press reports from Vietnam indicated that he was put on trial in Vietnam. In August 2002, the Government deported two Falun Gong members listed as UNHCR persons of concern to China. The UNHCR was not notified in advance, in violation of agreements with the Government. Also in August 2002, the Government announced that it would not permit the Dalai Lama to attend an upcoming Third World Buddhism Conference in the country.

For a more detailed discussion, see the [2003 International Religious Freedom Report](#).

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and law provide for these rights, and the Government generally respected them in practice; however, during the post-National Assembly election period, there were several credible reports of restrictions on travel from the Provinces of Kampong Speu and Kampong Chhnang to Phnom Penh. Authorities detained groups of people en route to Phnom Penh and accused them of traveling to Phnom Penh to engage in demonstrations protesting the election results. In one case, two people in Kampong Chhnang were detained for 2 days by authorities after their family members went job-hunting to Phnom Penh and were only released after they had arranged for the return of their family members.

The Government placed no restrictions on foreign travel. The Government also placed no restrictions on emigration or prohibitions against citizens who have left the country from returning.

The law provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol; however, in practice the Government did not respect the law and systematically deported potential Vietnamese and Montagnard refugees as illegal immigrants without reviewing whether they were eligible for refugee status, despite a UNHCR presence in the country. During the year, the military presence along the border with Vietnam was intensified. There were reports that Vietnamese authorities offered incentive awards to Cambodian border police who returned Vietnamese refugees to Vietnam.

Potential refugees who reached the UNHCR office in Phnom Penh without government detection were processed normally, with government cooperation. During the year, 26 Montagnard refugee cases were processed at the UNHCR refugee facilities in Phnom Penh. In August, two Montagnards entered the office of a human rights group in Ratanakiri Province, and the UNHCR worked with the Government to relocate them to the UNHCR office in Phnom Penh for refugee processing. During the year, the UNHCR's Phnom Penh office processed 39 Vietnamese (including Montagnards), 2 Chinese, 2 Ivorians, 2 Sri Lankans, 1 Pakistani, 1 Palestinian, 1 Somali, 4 Liberians, and 1 Burmese.

In 2002, the UNHCR was given permission to establish and monitor camps in Ratanakiri and Monduliri Provinces, which border Vietnam's central highlands and are home to the Montagnard ethnic minority. Although the UNHCR reached an agreement with the Government and with the Government of Vietnam to facilitate voluntary repatriation of Montagnards who had crossed into Cambodia, the agreement collapsed, the camps were dismantled, and the remaining refugees were moved to Phnom Penh for resettlement. At year's end, all but 3 of the approximately 900 Montagnard refugees that the Government authorized for resettlement in 2002 have been resettled to the United States.

In 2002, a former Vietnamese monk and a UNHCR-designated refugee disappeared from Phnom Penh and during the year was put on trial in Vietnam (see Section 2.c.). In 2002, the Government also deported to China two Falun Gong members, listed as UNHCR persons of concern (see Section 2.c.).

After opposing repatriation of deportable Cambodian nationals for many years, the Government signed an memorandum of understanding with the United States in March 2002 to facilitate their return; 67 persons had been repatriated from the United States by year's end. In 2002, the 36 persons who were repatriated were detained up to several weeks upon their arrival and some reportedly were forced to pay bribes during this detention period. The Government subsequently respected the rights of these individuals and their efforts to integrate themselves into society.

#### Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens generally exercised this right in practice through periodic elections on the basis of universal suffrage. Suffrage is voluntary for all citizens over the age of 18. Most citizens participated in national elections in 1993 and 1998, and the voter turnout for the July 27 National Assembly



elections was approximately 83 percent. The CPP won 73 seats in the elections, while FUNCINPEC won 26 seats and the SRP won 24 seats; however, the political parties could not reach the two-thirds majority needed to form a coalition government. At year's end, the former Government continued to operate in a caretaker status pending the formation of a new government.

All election observer groups, including two local NGOs, the Committee for Free and Fair Elections in Cambodia and Neutral and Impartial Committee for Free and Fair Elections in Cambodia; the International Republican Institute; the Fund for Reconciliation and Development; the Government of Japan Election Observation Mission; and the European Union Election Observation Mission; took note of the improvements in the July elections over the previous elections but stated that they fell short of international standards for democratic elections. Politically motivated violence remained a problem; however, it declined from previous elections. Local NGOs reported as many as 33 killings that were possibly politically motivated during the year; however, the motivation for many of these crimes was unclear. The Government only took action against some alleged perpetrators of killings and addressed other misconduct inconsistently.

Technical problems with the registration process and preparation of voter lists effectively disenfranchised many citizens. There were also incidents of voter intimidation by local officials. The NEC failed to establish a credible process to resolve election complaints, including charges of political intimidation, gift-giving, vote-buying, and procedural irregularities. The appointment of NEC members by the MOI was not transparent and left the NEC open to charges of political influence by the ruling CPP.

There were improvements in media access for registered parties, and open political debate and multi-party debates were televised nationally for the first time; however, electronic media coverage still heavily favored the ruling CPP. Some NGOs and political parties alleged that membership in the dominant CPP party provided advantages, such as gifts or access to government emergency aid. There were no limitations on political participation in traditional society; however, Mohanikaya Buddhist sect leader Tep Vong, who was believed to be pro-government, published an edict urging monks not to vote in these elections. As a result, there was low monk turnout on election day. The Government did not prohibit youth wings of political parties but also did not restrict the activities of the pro-CPP Pagoda Boys Association when it held counter-opposition demonstrations.

In 2002, the Government held its first national commune, local-level elections. The election results loosened the CPP's 23-year hold on local governance. The CPP won 7,703 council members seats nationwide, FUNCINPEC won 2,211 member seats, and the SRP won 1,346 member seats. Although CPP commune chiefs remained with 99 percent of the 1,621 communes, as a result of the elections, power was shared with other parties in all but 148 communes. During the commune level election campaign period, NGOs reported 25 FUNCINPEC and SRP activists and candidates were killed under suspicious circumstances, including 7 killings that human rights monitoring organizations agreed were motivated politically. The transfer of power to the newly elected Commune Councilors was smooth, and most Commune Councils had representatives elected from all three of the major political parties. At year's end, the MOI had yet to issue instructions for elected commune councils to implement the Commune Administration Law describing the power, duties, and functions of the councils.

Traditional culture has limited the role of women in government; however, women took an active part in the July National Assembly elections. After the July elections, there were 12 women in the 123-seat National Assembly, the same number as prior to the elections. There were 7 women in the 61-seat Senate. Prior to the formation of the new Government, there were 17 women working as ministers, secretaries of state, under-secretaries of state, and for the National Election Committee. Women also served as advisors and judges. After the 2002 local elections, women held 933 (8.3 percent) of the 11,261 commune council seats.

Minorities also took part in the Government. The July National Assembly elections resulted in five minorities--two Cham, two tribal, one Thai--elected to seats in the 123-seat National Assembly. There also were five representatives of minorities--Cham, tribal, Thai--in the 61-seat Senate. At least five officials in senior positions in the Government were from minority groups.

#### Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A wide variety of domestic and international human rights groups operated without government restriction, investigating and publishing their findings on human rights cases. The Government generally cooperated with human rights workers in performing their investigations; however, during the year, there were several reports of poor cooperation or intimidation by local authorities throughout the country.

There were approximately 40 NGOs involved in human rights activities, although only a small portion of them actively were involved in organizing training programs or investigating abuses.

On occasion, there have been credible threats to the safety of NGO staff working on illegal logging and trafficking in persons concerns. During the year, there were credible threats against the safety of staff of independent forestry monitor Global Witness and to forestry community network activists, but the Government made no serious efforts to protect them. In 2002, one staff member of Global Witness was assaulted by masked men after receiving threats demanding that she quit her job. During the year, threats against a local NGO providing shelter to trafficked victims and conducting anti-trafficking advocacy and investigations resulted in the NGO suspending investigations into human trafficking rings.

In 2002, the Government and UNHCHR signed a memorandum of understanding, which extended the UNHCHR's activities in the country for 2 more years. The UNHCHR conducted activities related to human rights and the judiciary, and maintained its headquarters in Phnom Penh and had two regional offices in Battambang and Kampong Cham. The U.N. Special Representative for Human Rights visited three times during the year and met with government officials as well as with representatives of political parties and NGOs.

In 2001, the Government passed a law that established a special tribunal to bring Khmer Rouge leaders to justice for genocide and war crimes committed from 1975 through 1979. On May 13, the U.N. General Assembly passed a resolution approving a draft agreement between the U.N. and the Government for prosecution of crimes during the Democratic Kampuchea period. The draft agreement was signed by both parties on June 6 but had not yet been ratified by the National Assembly by year's end. Some human rights groups expressed concern that local judges will not be impartial and independent.

The Cambodian Human Rights Committee, which the Government established in 1998, was largely inactive, and its activities were not credible.

#### Section 5 Discrimination Based on Race, Sex, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, color, language, religious beliefs, or political views. Although the Government did not engage actively in discrimination, it sometimes failed to protect these rights in practice. Societal discrimination against those infected with HIV/AIDS remained a problem in rural areas; however, discrimination was moderated by HIV/AIDS awareness programs during the year. There was no official discrimination against those infected with HIV/AIDS.

#### Women

Domestic and international NGOs reported that violence against women, including domestic violence and rape, was common. The law prohibits rape and assault. Spousal rape and domestic abuse are not recognized as separate crimes. A case of spousal rape could be prosecuted as "rape," "causing injury," or "indecent assault," but such charges were rare. One local NGO reported 531 cases of domestic violence during the year; 27 cases resulted in death, and 433 cases resulted in injury. Cases of domestic violence increased during the year, up to an average of 44 cases a month from 41 cases a month in 2002. Authorities normally declined to become involved in domestic disputes, and the victims frequently were reluctant to issue formal complaints. Of 81 lawsuits filed in courts, 16 suspects were arrested and one was tried. A local NGO reported 325 cases of rape during the year, of which 221 cases involved girls under the age of 18. Of the cases, 58 percent were filed with the courts, while the remainder were settled out of court, often with financial compensation being given to the victims.

Prostitution is prohibited constitutionally; however, there is no specific legislation against working as a prostitute. Trafficking in women for the purpose of prostitution was a serious problem, despite laws against procuring and kidnapping for purposes of sexual exploitation (see Section 6.f.).

Despite sporadic crackdowns on brothel operators in Phnom Penh, prostitution and trafficking related to it continued to be a problem. A 1997 Commission on Human Rights report to the National Assembly reported 14,725 working prostitutes, and this figure was confirmed by a statistical study during the year, which estimated that there were 18,256 working prostitutes in the country.

The Labor Law has provisions against sexual harassment in the workplace, and the International Labor Organization (ILO) reports that sexual harassment in the industrial sector was rare. Sexual harassment was not known to be a problem in other sectors of the economy.

The Constitution contains explicit language providing for equal rights for women, equal pay for equal work, and equal status in marriage. In practice, women had equal property rights with men, the same status to bring divorce proceedings, and equal access to education and some jobs; however, cultural traditions continued to limit the ability of women to reach senior positions in business and other areas. According to a 2001 Labor Force Survey, women made up 52 percent of the population, 60 percent of agricultural workers, 85 percent of the business work force, 70 percent of the industrial work force, and 60 percent of all service sector workers. Women often were concentrated in low-paying jobs in these sectors and largely were excluded from management positions.

There were a large number of women's NGOs that provided training for poor women and widows and addressed social problems such as spousal abuse, prostitution, and trafficking. A media center produced and broadcasted programming on women's issues. NGOs provided shelters for women in crisis.

#### Children

The Constitution provides for children's rights, and ensures that the welfare of children is a specific goal of the Government. The Government relied on international aid to fund most child social welfare programs, resulting in only modest funds for problems that affect children.

Children were affected adversely by an inadequate education system. Education was free, but not compulsory, through grade nine. Many children either left school to help their families in subsistence agriculture, began school at a late age, or did not attend school at all. A 2002 NGO report stated that primary school enrollment was 87 percent, but only approximately 19 percent of boys and 16 percent of girls had access to secondary education. Despite an extensive government school construction program, schools were overcrowded, lacked sufficient equipment, and often provided only a few years of education, especially in rural areas. Less than 5 percent of primary school teachers completed high school, and teachers' salaries were irregular and inadequate to support a decent standard of living, leading to demands for unofficial payments directly from parents, which the poorest families could not afford. The Government did not deny girls equal access to education; however, in practice, families with limited resources often gave priority to educating boys. In many areas, schools were remote, and transportation was a major problem. This particularly affected girls because of fears for their safety while traveling between their homes and schools.

Children frequently suffered from malnutrition and the inadequacy of the health care system. In 2002, infant mortality was estimated at 96 per thousand, based on year 2000 demographic projections. It was also estimated that the mortality rate for children under the age of 5 years was 138 per thousand.

Child abuse was believed to be common, although there were no statistics available. A domestic NGO estimated there were more than 1,500 children living on the streets who had cut all ties with their families, and more than 10,000 children that worked on the streets but went back to their family homes in the evenings. It was estimated that there were 550 street children in Phnom Penh, 550 in Battambang and Banteay Meanchey Provinces, 100 in Kampong Cham, and 100 in Sihanoukville.

Although sexual intercourse with a person under the age of 15 is illegal, child prostitution and trafficking in children were common (see Section 6.f.). In 2000, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information dissemination and protection by law enforcement (see Section 6.f.). During the year, there were at least five cases in which foreigners were charged with pornography violations or pedophilia.

The illegal purchase and sale of infants and children for prostitution and adoption was a serious problem. During the year, raids on brothels rescued several underage girls who were trafficked to the country for prostitution. In 2001 and 2002, there were several documented cases in which individuals or organizations purchased infants or children from their natural parents, created fraudulent paper trails to document the children as orphans, and then earned substantial profits from fees or donations from unwitting adoptive families, including foreign families. Some of these children ended up being exploited. In some of these cases, the perpetrators encouraged women to give up their children under false pretenses. For example, the perpetrators promised to care for the children temporarily but then refused to return them.

Child labor was a problem in the informal sector of the economy (see Sections 6.d.).

#### Persons with Disabilities

The Government does not require that buildings or government services be accessible to persons with disabilities. The Government also prohibits persons with even minor disabilities from being teachers in public schools. In 1999, it was reported that there were 170,000 disabled persons, including 24,000 persons missing at least one limb and 6,744 persons missing more than one limb. Disability due to landmines accounted for 11.5 percent of the total population of persons with disabilities, while disability due to congenital problems and disease accounted for 53 percent. During the year, there were 697 landmine casualties, of which 146 underwent amputations. Programs administered by various NGOs brought about substantial improvements in the treatment and rehabilitation of persons who had lost limbs; however, persons who had lost limbs faced considerable societal discrimination, particularly in obtaining skilled employment.

#### National/Racial/Ethnic Minorities

Citizens of Chinese and Vietnamese ethnicity constituted the largest ethnic minorities. Ethnic Chinese citizens were accepted in society; however, animosity toward ethnic Vietnamese, who were seen as a threat to the nation and culture, continued. The rights of minorities under the 1996 nationality law are not explicit; constitutional protections are extended only to "Khmer people." During the year, student groups continued to make strong anti-Vietnamese statements; they complained of political control, border encroachments, and other problems for which they held ethnic Vietnamese persons within the country at least partially responsible. Preceding the July National Assembly elections, the SRP, FUNCINPEC, and a number of smaller political parties exploited anti-Vietnamese sentiment. Political parties attempted to disenfranchise thousands of ethnic Vietnamese citizens by challenging their voter registration rights and a mob prevented ethnic Vietnamese from voting on election day at least at one polling station. There was increased ethnic tension after the elections, which resulted in the burning of homes of Vietnamese and tense relations in several areas of Kandal Province.

In 2002, a provincial judge ruled against ethnic hill tribe villagers in a land dispute. Ethnic bias did not appear to be a factor in the judgment, but political influence was seen as important in this affair. The Appeals Court overturned the ruling (see Section 1.f.).

#### Section 6 Worker Rights

#### a. The Right of Association

The Labor Law provides workers with the right to form professional organizations of their own choosing without prior authorization, and all workers are free to join the trade union of their choice; however, the Government's enforcement of these rights was selective. Membership in trade unions or employee associations is not compulsory, and workers are free to withdraw from such organizations; however, the Ministry of Social Affairs, Labor, Vocational Training, and Youth Rehabilitation (MOSALVY) has accepted the charter of at least one union that requires workers to obtain permission before they may withdraw. The Labor Law does not apply to civil servants, including teachers, judges, and military personnel, or to household servants. Personnel in the air and maritime transportation industries were not subject fully to the law but were free to form unions.

Most workers were subsistence rice farmers, and although there was an expanding service sector, most urban workers were engaged in small-scale commerce, self-employed skilled labor, or unskilled day labor. Unions also suffered from a lack of resources, training, and experience. Only a small fraction (estimated at less than 1 percent) of the labor force was unionized, and the trade union movement was still nascent and very weak. Unions were concentrated in the garment and footwear industries, where approximately 25 to 30 percent of the more than 200,000 workers were union members. In September, nine tourism and service industry unions joined to form the Cambodian Tourism and Service Workers Federation, which represented over 3,500 hotel, casino, and airport workers. The one public-sector union operating in the country, the Cambodia Independent Teachers Association (CITA), was registered as an "association." Local and provincial authorities acting on the Government's orders banned most of CITA's activities.

The Labor Law requires unions and employer organizations to file a charter and list of officers with the MOSALVY. The MOSALVY has registered 511 factory unions and 14 national labor federations since the Labor Law went into effect in 1997, including 189 unions and 4 federations during the year. Labor unions continued to expand outside the garment sector as well. Unlike in previous years, there were no complaints that the Government failed to register unions or labor federations, although some unions and federations complained of unnecessary delays and costs. Although all unions collect dues from members, none was able to operate without outside sources of financial support.

Ten registered labor federations have historical ties to the Government or CPP-affiliated individuals within the Government. Two major labor federations and several unaffiliated factory unions were independent. There was credible evidence of employer involvement in some labor unions. In some factories, management appeared to have established their own unions, supported pro-management unions, or bought off other union leaders. The Cambodian Labor Solidarity Organization (CLSO), a local NGO headed by an advisor to the Minister of Labor, claimed to protect workers and the economy from disruptive union activists and strikes; however, the presence of CLSO at labor disputes often coincided with the presence of hired thugs who intimidated and even became violent with union leaders, union members, and other workers.

The Government's enforcement of provisions that protect the right of association was poor. The Government's enforcement efforts were hampered by a lack of political will and by confused financial and political relationships with employers and union leaders. The Government also suffered from a lack of resources, including trained, experienced labor inspectors, in part because it did not pay staff adequate salaries. The MOSALVY often decided in favor of employees, but rarely used its legal authority to penalize employers who defied its orders. The MOSALVY often advised employees in such situations to sue in court, which labor unions claimed was generally unnecessary, costly, and ineffective. On several occasions, dismissed union leaders accepted cash settlements after unsuccessfully appealing to the Government to enforce Labor Law provisions requiring their reinstatement; however, there were some cases in which the Government upheld labor rights. In July, the Ministry of Commerce threatened to revoke the export privileges of a factory that refused to comply with a MOSALVY order to reinstate three illegally suspended union leaders. In a provincial court case in September, a factory security chief was found guilty of assault and battery and of the violation of the individual rights of a union federation leader, whom he attacked in April. The court ordered the defendant to serve 14 months in prison and pay punitive damages to the victim.

There were credible reports of anti-union harassment by employers, including the dismissal of union leaders, in more than 20 garment factories and other enterprises during the year. In January, a factory manager sued five union leaders, claiming that union activities had resulted in losses in factory profits. The case was later dropped. In February, a factory manager and the factory's lawyer sued a union federation leader for insult, libel, and defamation. The investigating judge dropped the case due to lack of evidence.

Unions may affiliate freely, but the law does not address explicitly their right to affiliate internationally.

#### b. The Right to Organize and Bargain Collectively

The Labor Law provides for the right to organize and bargain collectively; however, the Government's enforcement of these rights was inconsistent. Wages were set by market forces, except in the case of civil servants, whose wages were set by the Government.

Since passage of the Labor Law in 1997, there has been confusion about the overlapping roles of labor unions and elected shop stewards. The Labor Law provides unions the right to negotiate with management over wages and working conditions and allows unions to nominate candidates for shop steward positions. The law provides shop stewards the right to represent the union to the company management and to sign collective bargaining agreements; however, in practice, most factories elected

shop stewards before a union was present in the enterprise; thus, many unions had no legally enforceable right to negotiate with management in situations in which there were nonunion shop stewards. In addition, the law specifically protects elected shop stewards from dismissal without permission from the MOSALVY but grants no such protection to elected union leaders. In November 2000, MOSALVY issued a regulation that gave trade unions roles comparable to those of shop stewards and extended protection from dismissal to certain union officers within an enterprise. However, these protections for union leaders did not prove effective (see Section 6.a.).

There were 16 collective bargaining agreements registered with the Government, most of which did not meet international standards. In November, the first genuine collective bargaining agreement within the garment industry was reached following 12 months of bargaining. The agreement provides for extra sick leave and maternity leave, calls for the creation a union-controlled welfare fund, and requires management to upgrade the factory clinic. In 2001, the Government issued a regulation establishing procedures to allow unions to demonstrate that they represent workers for purposes of collective bargaining. This regulation also establishes requirements for employers and unions regarding collective bargaining and provides union leaders with additional protection from dismissal. In 2002, MOSALVY established the Bureau of Labor Relations to facilitate the process of union registration and application for most representative status for unions. MOSALVY granted most representative status to 56 unions, enabling them to represent workers for purposes of collective bargaining. Other unions that have applied for this status and not yet received it complained of unnecessary bureaucratic delays.

In January 2002, the ILO initiated a program to resolve labor disputes. Since its inception in May, the program's tripartite arbitration council received 25 collective dispute cases between workers and management. Of these cases, 20 were resolved (10 through arbitral awards--all of which were substantially implemented--and 10 through conciliation during the arbitration process). The five remaining cases were pending at year's end.

The Labor Law provides for the right to strike and protects strikers from reprisal. During the year, there reportedly were 106 strikes. Most of these took place with the 7-day notice required by law. The Government allowed all strikes and demonstrations, including some in which demonstrators caused property damage. In spite of the provisions in the law protecting strikers from reprisals, there were credible reports of workers being dismissed on spurious grounds after organizing or participating in strikes. In some cases, strikers were pressured by employers to accept compensation and to leave their employment.

Police intervention generally was minimal and restrained, even in cases in which striking workers caused property damage; however, anti-riot police shot and killed a garment worker and injured three others during a strike in June. Workers beat a policeman to death in retaliation.

There are no export processing zones.

#### c. Prohibition of Forced or Bonded Labor

The Labor Law prohibits forced or bonded labor, including forced labor by children; however, the Government did not enforce its provisions adequately. Involuntary overtime remained widespread. Workers faced fines, dismissal, or loss of premium pay if they refused to work overtime.

There also were reports of isolated cases of forced labor by domestic servants.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The Government has adopted laws to protect children from exploitation in the workplace.

The Labor Law establishes 15 years as the minimum age for employment and 18 years as the minimum age for hazardous work. The law permits children between 12 and 15 years of age to engage in "light work" that is not hazardous to their health and that does not affect school attendance. A tripartite Labor Advisory Committee is responsible for defining what constitutes work that is hazardous to the health, safety, and morality of adolescents, as well as consulting with the MOSALVY to determine which types of employment and working conditions constitute "light work."

Of children between the ages of 5 years and 17 years 53 percent were employed. One-third of these children were over the age of 14 years, and 71 percent of them were engaged in agricultural, farming, or forestry activities; 21 percent of working children were sales or service workers, and 7 percent were engaged in production work.

Child labor was not prevalent in the garment industry, although there was at least one instance of a young worker misrepresenting her age in order to gain employment in a garment factory. Lack of credible civil documents made it difficult for employers to guard against this, and most garment factories had policies that set the age of employment above the legal minimum age of 15 years.

The most serious child labor problems were in the informal sector. Some observers noted that existing regulations do not address the problem of child labor in the informal sector adequately. With assistance from the ILO, MOSALVY established a child labor unit to investigate and combat child labor. In 1997, the Government, in conjunction with the ILO and NGOs, also

approved a national action plan on child labor. The Government has not ratified ILO Convention 182 on the elimination of the worst forms of child labor.

The Ministry of Labor participated in an ILO-International Program for the Elimination of Child Labor program funded by a foreign government to remove children from hazardous work in the salt, fishing and rubber industries and to provide them with education and vocational training opportunities. In June, the Government signed a letter of agreement to participate in an NGO-led, foreign government-funded project to expand educational opportunities for children most vulnerable to child labor, particularly girls who are vulnerable to human trafficking.

The Constitution prohibits forced or bonded child labor; however, forced child labor was a serious problem in the commercial sex industry (see Section 6.f.). Law enforcement agencies had authority to combat child prostitution, but did not do so in a sustained, consistent manner.

#### e. Acceptable Conditions of Work

The Labor Law requires the MOSALVY to establish minimum wages based on recommendations from the Labor Advisory Committee. By law, the minimum wage can vary regionally. In July 2000, the Labor Advisory Committee approved a minimum wage of \$45 (175,500 riel) per month, but this only extended to the garment and footwear industries. Most garment and footwear factories respected the minimum wage. There was no minimum wage for any other industry.

Garment workers earned an average of \$55 (220,000 riel) per month, including overtime and bonuses. Prevailing monthly wages in the garment sector and many other professions were insufficient to provide a worker and family with a decent standard of living. Civil service salaries also were insufficient to provide a decent standard of living, requiring government officials to secure outside sources of income, in many cases by obtaining second jobs or collecting bribes.

The Labor Law provides for a standard legal workweek of 48 hours, not to exceed 8 hours per day. The law stipulates time-and-one-half for overtime and double time if overtime occurs at night, on Sunday, or on a holiday; however, the Government did not enforce these standards effectively. Workers in many garment factories reported that overtime was excessive or involuntary, or that they were required to work 7 days per week. Outside the garment industry, regulations on working hours rarely were enforced.

The Labor Law states that the workplace should have health and safety standards adequate to ensure workers' well being. The Government enforced existing standards selectively, in part because it lacked trained staff and equipment. Work related injuries and health problems were common. Most large garment factories producing for markets in developed countries met relatively high health and safety standards as conditions of their contracts with buyers. Working conditions in some small-scale factories and cottage industries were poor and often did not meet international standards. The Government issued several instructions on workplace standards, and more detailed regulations awaited approval by the Labor Advisory Committee before they could be promulgated. Penalties are specified in the Labor Law, but there are no specific provisions to protect workers who complain about unsafe or unhealthy conditions. Workers who removed themselves from unsafe working conditions risked loss of employment.

The Labor Law applies to all local and foreign workers. A Ministry of Labor regulation limits the number of foreign workers an employer can hire to 10 percent.

#### f. Trafficking in Persons

The law prohibits trafficking in persons; however, persons were trafficked to, from, and within the country. The Law on the Suppression of Kidnapping, Trafficking, and Exploitation of Humans (the trafficking law) establishes a jail sentence of 15 to 20 years for any person convicted of trafficking in persons under 15 years of age; the penalty is from 10 to 15 years for trafficking persons over the age of 15. A local NGO reported 152 cases of trafficking in persons. Approximately one-third of these cases involved underage girls, including several that involved girls between the ages of 5 and 10. The current trafficking law contains no provisions that would protect victims from charges under the country's immigration laws.

Although the enforcement of the anti-trafficking laws and prosecution of perpetrators continued to be uneven, there was some improvement in prosecution and conviction rates. The MOI reported that 62 individuals were arrested under the Trafficking Law (which includes charges for human trafficking and procuring), of whom 41 were put on trial and 21 remained in prison under investigation by the court system. Local NGOs reported that of 18 individuals suspected of involvement in trafficking cases, 16 were convicted to prison terms during the year. The Chief of the Prison Department (Phnom Penh) reported that 11 persons sentenced for trafficking entered the Phnom Penh prison system during the year. Three NGOs involved in the prosecution of trafficking cases reported that from March 2002 through March 2003, suspects in 10 of the 50 trafficking cases they worked on were tried in court. Nine suspects were convicted and sentenced, one was acquitted, 18 were dismissed for lack of evidence, and 19 remained pending at year's end. Three cases were settled out of court; approximately \$300 to \$400 was paid to each victim. Another NGO reported that it participated in the prosecution of seven trafficking suspects, of which six were convicted. Three were sentenced to 15 years' imprisonment, one sentenced to 10 years' imprisonment, and two sentenced to 5 years' imprisonment.

Several government ministries were active in combating trafficking. In 2000, the Government adopted a 5-year plan against child sexual exploitation that emphasized prevention through information dissemination and protection by law enforcement. In 2001, a national workshop assessed the national plan's progress and priorities for action. In 2002, the Government established mechanisms for monitoring and reporting on the national plan with all relevant ministries and provincial authorities. Also in 2002, the MOI established a Department of Anti-Human Trafficking and Juvenile Protection. The Ministry of Justice, in cooperation with the Japanese Institute for Legal Development, drafted a new anti-trafficking law that has been submitted to the Government for review. The MOSALVY, with International Organization for Migration (IOM) technical expertise, regularly repatriated trafficked victims from Thailand to Cambodia and from Cambodia to Vietnam. In addition, the MOSALVY worked with UNICEF and local NGOs to manage community-based networks aimed at early intervention of trafficking. The Ministry of Women's and Veterans' Affairs continued a public education campaign against trafficking, focusing on border provinces. The Ministry of Tourism submitted a draft tourism law that would give the Ministry authority to shut down hotels collaborating in child prostitution. In June, the Government signed a Memorandum of Understanding with Thailand to pursue joint investigations of transnational traffickers.

The majority of trafficking that occurred within the country provided both adults and children for exploitation in the country's sex industry. Estimates of the number of victims of trafficking in the sex industry ranged from 2,000 to more than 3,000, approximately 80 percent of whom were Vietnamese women and girls. Some Vietnamese women and girls were trafficked through the country for exploitation in the commercial sex trade in other Asian countries.

One study estimated that 88,000 citizens worked in Thailand as bonded laborers at any given time; many were exploited in the sex industry or, particularly young boys and girls, were employed as beggars. Similarly, boys and girls were trafficked to Vietnam for begging.

Trafficking victims, especially those trafficked for sexual exploitation, faced the risk of contracting sexually transmitted diseases, including HIV/AIDS. In some cases, victims were detained and physically and mentally abused by traffickers, brothel owners, and clients.

Traffickers used a variety of methods to acquire victims. In many cases, victims were lured by promises of legitimate employment. In other cases, acquaintances, friends, and even family members sold the victims outright or received payment for having helped deceive them. Young children, the majority of them girls, were often "pledged" as collateral for loans by desperately poor parents to brokers or middlemen; the children then were held responsible for repaying the loan and the accumulating interest. Local traffickers covered specific small geographic areas and acted as middlemen for larger trafficking networks. Organized crime groups, employment agencies, and marriage brokers were believed to have some degree of involvement.

In 2002, a local NGO identified clear patterns in the process of buying babies and children for the purposes of adoption and trafficking. Recruiters preyed on poor women, especially divorcees or widows, who were pregnant and about to give birth, or who had young children. Official paperwork was signed by orphanage directors and local officials--often bribed--who falsely stated that the children were found abandoned in provinces outside of Phnom Penh.

It was believed widely that some law enforcement and other government officials received bribes that facilitated the sex trade and trafficking in persons. High-ranking government officials or their family members reportedly operated, had a stake in, or received protection money from brothels which housed trafficking victims, including underage sex workers. There were no known prosecutions of corrupt officials for suspected involvement in trafficking in persons. In January, a police colonel and his wife were arrested for trafficking after a 12-year old victim was rescued from a brothel they owned and operated. Both the colonel and his wife were later released from custody, and NGOs have reported threats against their staff and the girl's family. In April, a police officer was accused of offering protection in exchange for money to undercover investigators in Svay Pak. Although the courts found the police officer not guilty, the MOI dismissed him from his position as a police officer. The military investigated reports that a military officer also was involved in the same incident and discovered the perpetrator was a civilian who had obtained a military uniform. The investigating judge of the Phnom Penh Municipal Court ordered the civilian imprisoned in a re-education center.

The MOSALVY referred trafficking victims to NGOs. Most assistance to victims was given through projects run by local NGOs and international organizations. The Government participated as a partner in a number of these efforts; however, its contributions were hampered severely by the limited resources at its disposal. Some victims were encouraged by NGOs and the MOI to file complaints against perpetrators. However, in the general climate of impunity, victim protection was problematic and victims often were intimidated into abandoning their cases.

During the year, the Asia Foundation assisted the Government in repatriating nine Cambodian forced laborers from a Thai fishing vessel that sank in Indonesian waters. In 2002, the Government worked with the IOM to repatriate 73 Cambodian forced laborers from Thai fishing vessels who were arrested by the Indonesian navy in 2001.

In 2002 and during the year, the Government created specialized anti-trafficking and juvenile protection units in several provinces, which raided a number of brothels. From January through November, the specialized unit in Phnom Penh initiated 415 investigations of activities including child sex, trafficking, rape, debauchery, and pornography, which resulted in 25 raids on suspected human traffickers, and 33 suspected traffickers were turned over to the Phnom Penh Municipal Court. The raids of the specialized unit in Phnom Penh also resulted in the rescue of 54 victims of human trafficking, 9 of whom were under the age



of 18. Other police units also conducted raids of brothels and rescued numerous prostitutes, including underage workers. The Government provided rescued victims with protection while working with NGOs to either reunite the victims with their families or to place them in a shelter operated by an NGO or other private charity. Trafficking victims, especially those exploited sexually, faced societal discrimination, particularly in their home villages and within their own families, as a result of having been trafficked.

Although the Government protected persons who admitted that they were victims of trafficking, there were cases in 2002 in which victims, who claimed they were 18 and had entered prostitution willingly, were treated as deportable aliens. In May 2002, 14 Vietnamese trafficking victims were taken to a shelter operated by a local NGO. One month later, all 14 victims were arrested on charges of illegal immigration. Government officials stated that the victims being held were voluntary prostitutes and the arrests were a legal immigration issue. Six of the girls were later found guilty and given short prison terms. Credible sources reported that the girls never were deported but that they were released back into society in exchange for payments to immigration authorities. This case sparked widespread criticism from international organizations, NGOs, and other governments.

The Government used posters, television and radio campaigns, and traditional local theater to raise public awareness of human trafficking. In 2001, the Ministry of Women's and Veteran's Affairs launched a major information campaign. The IOM worked with the Ministry throughout the year to expand this project to all provinces. Because of severe resource problems, the Government depended heavily on assistance from international organizations, bilateral donors, and foreign and domestic NGOs to carry out its prevention programs.